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Message Text

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22
ACTION EB-07

INFO OCT-01 IO-13 ISO-00 JUSE-00 FRB-03 FEA-01 AGRE-00
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DEPARTMENT PASS TO EB/IFO - LOCKWOOD, DEPT. OF JUSTICE -
BAKER, AND FR - LEWIS

E.O. 11652: N/A
TAGS: UNCTAD
SUBJ: UNCTAD THIRD AD HOC GROUP OF EXPERTS ON RESTRICTIVE
BUSINESS PRACTICES

SUMMARY: UNCTAD 3RD AD HOC GROUP OF EXPERTS ON RBP'S MET IN GENEVA NOVEMBER 29 - DECEMBER 10, 1976. US DEL AND GROUP B WERE SUCCESSFUL IN OBTAINING AGREEMENT OF G-77 AND SECRETARIAT THAT AGENDA WAS NOT LIMITED TO DISCUSSION OF PRINCIPLES AND RULES FOR CONTROL OF RBP'S BUT DISCUSSIONS IN FACT WERE ALMOST ENTIRELY ON THAT SUBJECT. LITTLE AGREEMENT WAS POSSIBLE WITH G-77 DUE TO ITS INSISTENCE ON PREFERENTIAL TREATMENT. GROUP B APPEARS TO BE REASONABLY SOLID IN LINE WITH US POSITIONS, BUT MORE COORDINATION WILL BE NEEDED PRIOR TO NEXT MEETING OF EXPERTS NOW SCHEDULED FOR MAY 16-24, 1977. END SUMMARY.

1. UNCTAD 3RD AD HOC GROUP OF EXPERTS ON RESTRICTIVE BUSINESS PRACTICES MET FOR 2 WEEKS NOVEMBER 29-DECEMBER 10, 1976. AT INITIAL SESSIONS GROUP B OBTAINED AGREEMENT, IN LINE WITH US POSITION, THAT AGENDA FOR THIS MEETING INCLUDED ALL ITEMS IN THE GROUP'S MANDATE FROM UNCTAD IV. HOWEVER, G-77, WITH SUPPORT OF UNCTAD SECRETARIAT,
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DISCUSSED ONLY PROPOSALS RELATING TO PRINCIPLES AND RULES

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FOR CONTROL OF RBP'S. NO TIME FOR DISCUSSION OF OTHER AGENDA ITEMS WAS POSSIBLE.

2. GROUP B ASKED UNCTAD SECRETARIAT TO EXPLAIN THE NOTE VERBALE OF THE UNCTAD SECRETARY GENERAL REQUESTING INFORMATION FROM ALL GOVERNMENTS ON RBP'S. SECRETARIAT EXPLAINED ITS VIEW THAT THE SECOND AD HOC GROUP OF EXPERTS HAD AGREED TO FURNISH SUCH INFORMATION. GROUP B AND US DEL EXPRESSED OPPOSITE VIEW, POINTING OUT THAT SECOND GROUP HAD STATED PLAINLY THAT, EXCEPT FOR ANNUAL REPORTS OF RBP LAW ENFORCEMENT BODIES, MUCH MORE DISCUSSION WAS REQUIRED BEFORE INFORMATION COULD BE PRODUCED. GROUP B DECIDED NOT TO TRANSMIT THE REQUESTED INFORMATION, EXCEPT ANNUAL REPORTS, UNTIL AFTER FULL AND APPROPRIATE DISCUSSIONS HAD BEEN HELD WITH SATISFACTORY RESULTS.

3. BOTH GROUP B AND G-77 PRODUCED PAPERS DEALING WITH PRINCIPLES AND RULES FOR CONTROL OF RBP'S. GROUP B PAPER SUBSTANTIALLY FOLLOWED US POSITION. G-77 PAPER WAS ALMOST ENTIRELY UNACCEPTABLE, PARTICULARLY PORTION OUTLINING PRINCIPLES. BOTH PAPERS WILL BE REPRODUCED AS ANNEXES TO THE REPORT OF THE GROUP.

4. DISCUSSION ON THE PAPERS WAS LIMITED ALMOST ENTIRELY TO THE SUBJECT OF OBJECTIVES FOR THE PRINCIPLES. AGREEMENT WAS REACHED ON ALL BUT ONE OF A SET OF OBJECTIVES AND ON INTRODUCTION TO THOSE OBJECTIVES. COPY OF TEXT WILL BE CARRIED TO WASHINGTON BY I. WILLIAMSON OF US MISSION ON DECEMBER 14. AGREED OBJECTIVES DO NOT INCLUDE ANY PREFERENTIAL TREATMENT FOR ANY GROUPS.

5. THE GROUP AGREED TO AN AGENDA FOR ITS NEXT MEETING TO BE HELD MAY 16 - 24, 1977, WHICH INCLUDES ALL ITEMS OF THE MANDATE, ALTHOUGH G-77 STATED ITS INTENT TO WORK ON PRINCIPLES AND RULES ALMOST EXCLUSIVELY. GROUP B AGREED THAT PREPARATORY MEETINGS, INCLUDING PREPARATION OF PAPERS ON EACH AGENDA ITEM, WOULD BE NECESSARY PRIOR TO NEXT MEETING.

6. COMMENT: G-77 APPROACHED THE MEETING WITH LITTLE
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KNOWLEDGE OF RPB LAW AND LARGELY AS A POLTIICAL EXERCISE AND ATTEMPTED TO OBTAIN CONCESSIONS IN LANGUAGE OF OBJECTIVES TO BROADEN THE MANDATE OF RESOLUTION 96(IV) TO INCLUDE 97(IV). GROUP B SUCCESSFULLY RESISTED PRESSURES IN THIS DIRECTION, LARGELY AT URGING OF UK AND US DELS, AND OBTAINED UNANIMOUS AGREEMENT TO OBJECTIVES WHICH, ALTHOUGH MAKING SPECIAL MENTION OF DEVELOPING COUNTRY PROBLEMS ARE NOT INCONSISTENT WITH US LAW OR POLICY.

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